



# Delegated Authority for Driving While Impaired

# What is Delegated Authority?

- ▶ Allows Probation Staff to swiftly impose a condition without a return to court
- ▶ These conditions are imposed in response to either an identified risk of re-arrest or a violation of a court ordered condition
- ▶ Research has shown if a consequence can be imposed soon after a violation, future violations can be minimized

# Delegated Authority Guidelines

## ▶ Requirements

- High risk of re-arrest
- Violation of a court ordered condition

## ▶ Limitations

- Specific conditions as determined by statute

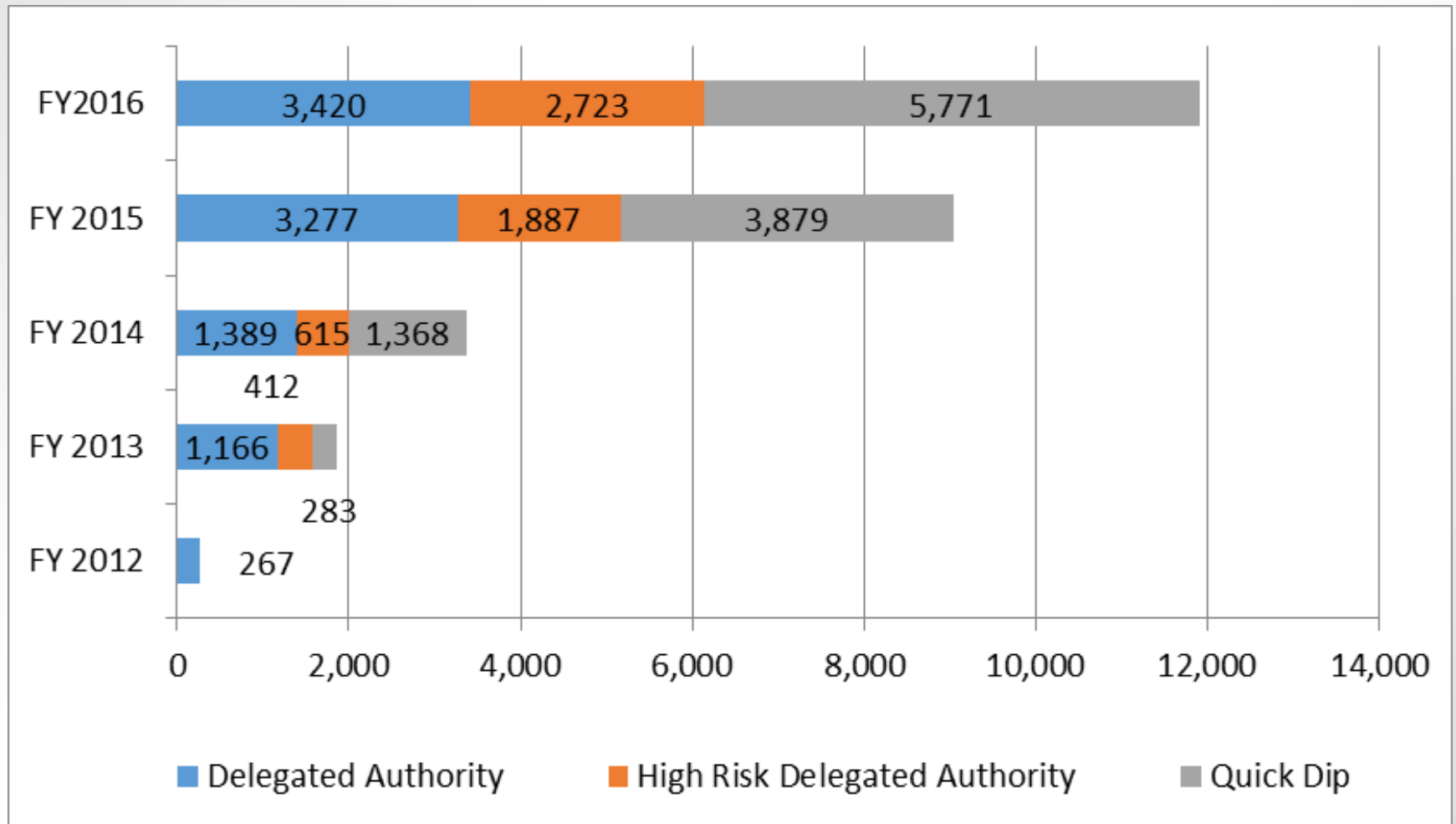
## ▶ Process

- Supervisor input
- Supervisor approval
- Offender may request court review

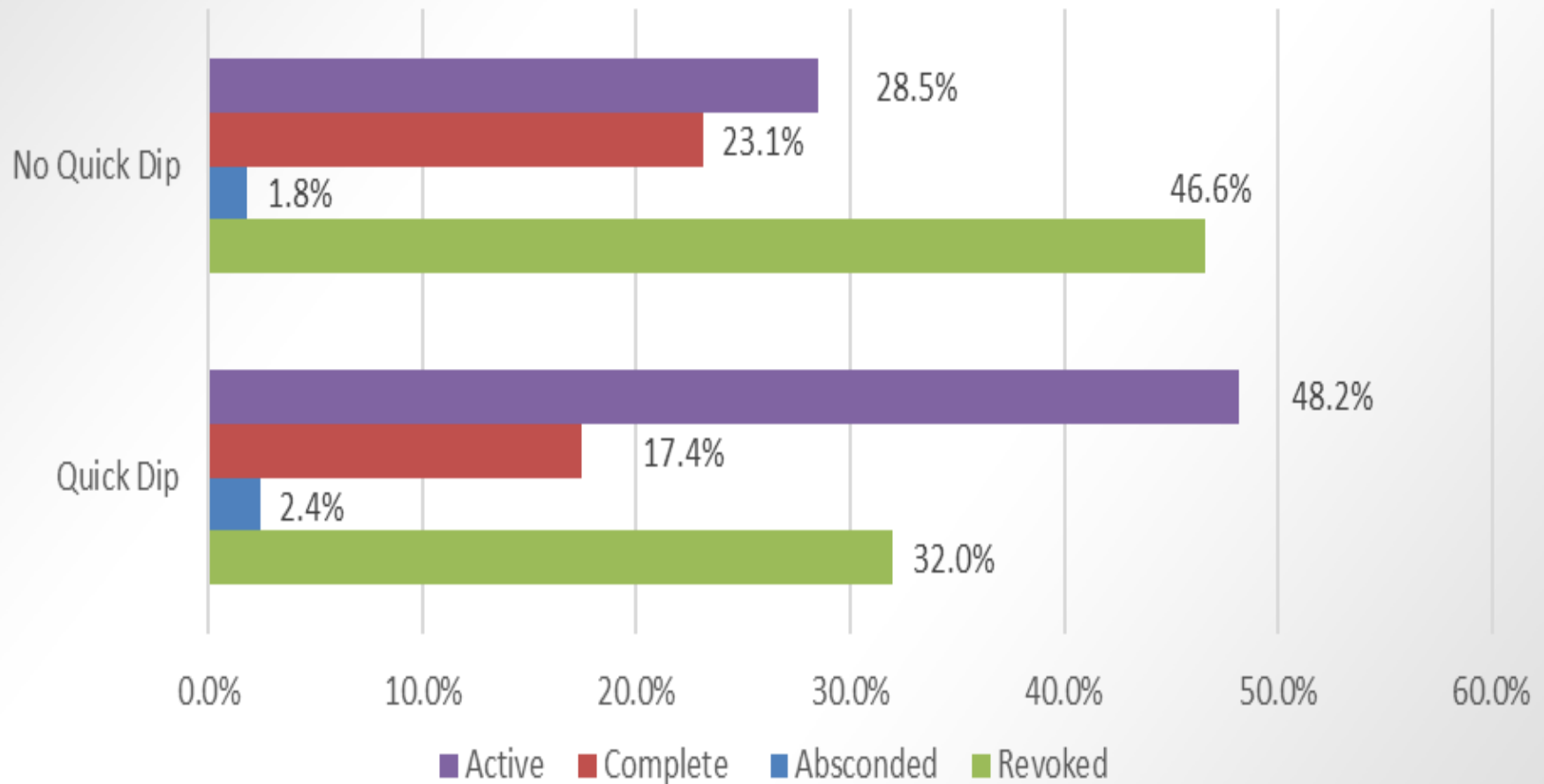
# Delegated Authority Conditions

- ▶ Electronic house arrest
- ▶ Community Service hours
- ▶ Two or three day confinement in a local jail (QDC)
- ▶ Substance abuse assessment, Monitoring, or treatment
- ▶ Participation in an educational or vocational skills program, including an evidence-based program
- ▶ Submit to a curfew to be monitored electronically
- ▶ Report more frequently to the probation officer
- ▶ Continuous Alcohol Monitoring (CAM)

# Delegated Authority Usage



# Quick Dip Confinement Study



# South Dakota 24/7 Sobriety Program

- Focuses on keeping DWI offenders abstinent from alcohol and drugs
- Treatment and 12-Step involvement is optional
- Frequent alcohol and drug testing:
  - Twice daily alcohol breath tests (7 AM & 7 PM) or
  - CAM alcohol monitoring ankle bracelets; and
  - Random drug urinalysis or
  - Drug patch
- Any positive test results in an immediate short-term stay in jail

# Community Impact

- ▶ 24/7 Sobriety has helped reduce:
  - Repeat drunk driving offenses by 12% at the county level
  - Domestic violence by 9%
  - Traffic crashes for males between ages 18-40 by 4%
- ▶ Frequent random monitoring linked to swift, certain and meaningful consequences – mostly brief incarceration – produces fewer failures



# Scenario-John Smith

- ▶ John Smith
  - ▶ Driving While Impaired
  - ▶ Assessment reveals High Risk of Re-arrest
  - ▶ Drinks heavily on weekends with friends at their residence
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- ▶ How can an officer respond?

# Response (without delegated authority)

- ▶ Have conversation with offender about drinking habits and family issues
- ▶ Encourage offender to begin treatment as ordered
- ▶ No action can be taken until a violation is detected

# Response (with delegated authority)

- ▶ Officer does not have to wait for a violation to occur
- ▶ Review with Supervisor and impose one or more of the following conditions:
  - Continuous alcohol monitoring
  - Curfew
- ▶ Timeframe

## Immediately

# John Smith

- ▶ Failed to obtain assessment and/or attend treatment
  - ▶ Continues to drink with friends
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- ▶ How can an officer respond?

# Response (without Delegated authority)

- ▶ Have conversations with offender about violations and encourage to comply
- ▶ Cite or arrest the offender and recommend:
  - Jail time
  - Curfew
  - Continuous alcohol monitoring
- ▶ Time frame for imposing additional conditions:

**30 days to 6 months**

# Response (with delegated authority)

- ▶ Review with Supervisor and impose one or more of the following conditions:
  - Curfew
  - Quick dip confinements
  - Continuous alcohol monitoring
- ▶ Timeframe for imposing additional conditions

## Immediately

# John Smith

- ▶ Completed treatment
- ▶ Red flags
  - Family states offender is drinking again
  - Beer cans at residence

## How can an officer respond?

# Response (without delegated authority)

- ▶ Have conversation with offender about drinking habits and family issues
- ▶ Encourage offender to begin treatment again
- ▶ No action can be taken until a violation is detected



# Response (with delegated authority)

- ▶ Review with Supervisor and impose one or more of the following conditions:
  - Require treatment attendance.
  - Continuous alcohol monitoring
  - Curfew
- ▶ Officer does not have to wait for a violation to occur
- ▶ Timeframe:

**Immediately**

# Benefits of D.W.I. Delegated Authority

- ▶ **Pro-active supervision**
  - Provide immediate interventions
  - Provide immediate structure
- ▶ **Immediate response to violations**
  - Without delegated authority: 30 days to 6 months
  - With delegated authority: Immediately
- ▶ **Improved compliance**
- ▶ **Less time waiting for court interventions**
- ▶ **Potential reduction in recidivism**